

# **FIDE ETHICS & DISCIPLINARY COMMISSION**

## **REPORT TO FIDE COUNCIL**

**SEPTEMBER 2024**

Dear Mr President and members of the FIDE Council

This report covers the activities of the Ethics & Disciplinary Commission (EDC) for the 9-month period since December 2023, the date of the previous Congress held virtually last year.

### **1. Membership of the EDC**

1.1 The EDC has 7 members:

- **EDC Chairman**, Francois Strydom (RSA), elected August 2014 (Tromso), re-elected October 2018 (Batumi).
- **EDC Deputy Chairman** Yolander Sammy (GUY), elected October 2018 (Batumi).
- **EDC Vice-Chairman** Johan Sigeman (SWE), elected February 2020 (Abu Dhabi).
- Ravindra Dongre (IND), elected October 2018 (Batumi).
- Khaled Arfa (TUN), elected February 2020 (Abu Dhabi).
- David Hater (USA), elected February 2020 (Abu Dhabi).
- Pedro Dominguez, elected August 2023 (Chennai).

1.2 Pursuant to the FIDE Charter the term of the current EDC members endures until the General Assembly to be held in Budapest, September 2024.

## 2 Meetings

- 2.1 In the period **6 – 8 May 2024** the EDC had an in-person meeting in St. Louis, USA which was attended by David Hater (host), Francois Strydom, Yolander Sammy, Johan Sigeman and Ravindra Dongre. Khaled Arfa joined online. Pedro Dominguez was absent. The meeting focussed on further equipping EDC members on various aspects of sports law and discussing aspects of their work.
- 2.2 On **17 September 2024** as part of the Budapest Congress, the EDC held an open (public) meeting. Present were all EDC members (save for Pedro Dominguez who was ill-disposed), some in person attendees and one online attendee. The EDC Chairman delivered his annual report. General discussion and a Questions & Answer session followed before the open meeting was closed after two hours of meeting. The EDC members met for another two hours in a private meeting discussing aspects of their work. On **18 September 2024** the EDC members met again to continue their work with a view of wrapping up all current cases.

## 3 Cases decided

- 3.1 In appeal case **3/2020(A)** the EDC Appeal Chamber (F Strydom as chair; J Sigeman and K Arfa) upheld the appeal of Omar Deab (SUD) against his conviction by the First Instance Chamber of a violation of Articles 2.2.2 and 2.2.3 of the former Code of Ethics (Office bearers who through their behaviour no longer inspire the necessary confidence or have in other ways become unworthy of trust; Organisers, tournament directors, arbiters or other officials who fail to perform their functions in an impartial and responsible manner) and nullified the sanction of a worldwide ban of 12 months, half suspended. The Appeal Chamber held that the original complaint by Obay Izzadin was inadmissible as the relevant tournament had not taken place in the international sphere.

- 3.2 In appeal case **4/2023(A)** the EDC Appeal Chamber (F Strydom as chair; J Sigeman and R Dongre) dismissed Mikhail Kobalia's appeal against his guilty verdict in respect of Articles 11.6(c) and 11.9(j) of the EDC Code and maintained the sanction of a ban of 12 months from participating as an office holder in any FIDE Commission, fully suspended. The matter concerned some defamatory comments posted by GM Mikhail Kobalia (RUS) on Facebook regarding GM Efstratios Grivas (GRE).
- 3.3 In appeal case **6/2023(A)** the EDC Appeal Chamber (F Strydom as chair; Y Sammy and K Arfa) dismissed the appeal by IM Stefan Docx (BEL). Docx was previously found guilty by the First Instance Chamber of having failed to cooperate with the anti-cheating officials at the by refusing to submit himself to a metal scan to check for the possession of a mobile phone. The sanction of a one-year ban as a player in FIDE-rated competitions was maintained.
- 3.4 In case **7/2023** the EDC Chamber (K. Arfa as chair; Y. Sammy and R. Dongre) considered a complaint from Dragiša Blagojević against the Montenegro Chess Federation, its President and the chief arbiter of the Montenegro Qualifying Tournament for the 2023 World Cup. The complaint alleged an irregular deviation from the pairings procedure announced for the tournament. The EDC Chamber held the complaint was inadmissible as the tournament was an internal selection tournament and not a qualifying event, in the true sense, for a major FIDE tournament or event.
- 3.5 In appeal case **9/2023(A)** the EDC Appeal Chamber (F Strydom as chair; Y Sammy and R Dongre) dismissed the appeal by Dimitri Logie (BEL) against his conviction by the First Instance Chamber of harassment and interference in the disciplinary steps taken against another player by the Belgium Chess Federation (BCF) and an investigation conducted by the Investigatory Panel of the FPL. The sanction was maintained, to wit a one-year ban from holding any office or position within FIDE and the BCF, wholly suspended on certain conditions.

- 3.6 In case **11/2023** the EDC Chamber (J. Sigeman, Y. Sammy and K. Arfa) considered the complaint of the Ukrainian Chess Federation against FIDE President, Mr Dvorkovich and the Chess Federation of Russia (CFR). Mr. Dvorkovich was found guilty of an improper association based upon Mr. Dvorkovich's seat in the CFR Board of Trustees together with internationally sanctioned individuals and sanctioned to a reprimand. The CFR was found guilty of causing damage FIDE's reputation or bringing chess into disrepute, and non-compliance with FIDE principles. The CFR was sanctioned to a temporary exclusion as a FIDE member for a two year-period.
- 3.7 In case **11/2023(A)** the Appeal Chamber (F. Strydom as chair, R. Dongre and D. Hater) upheld the appeal of Mr Dvorkovich (see above) as the complaint was considered inadmissible and nullified the sanction of a reprimand. The Appeal Chamber set aside the CFR's conviction on the first charge (association with sanctioned individuals in the inactive Board of Trustees) as being inadmissible but confirmed the CFR's conviction on the second charge (recognition of occupied Ukrainian territories as part of CFR structure). The CFR was sanctioned to a fine of EUR 45,000 (the maximum fine permissible in terms of EDC Code is EUR 50,000).
- 3.8 In case **1/2024** the EDC Chamber (R. Dongre as chair; J. Sigeman and D. Hater) considered the complaints of GM Shakhriyar Mamedyarov (AZE) GM Pavel Ponkratov (RUS) about the failure to pay prize monies at the King Mohammed VI International Chess Tournament held in Morocco in August 2023. The accused parties were Mustapha Amazzal (the tournament director) and the Royal Moroccan Federation of Chess. Both parties were found guilty of the charge. Amazzal was give a two year-ban. The Royal Moroccan Federation was also sanctioned with a two year-ban, but with the prospect that the balance of the ban would be suspended as soon as Royal Moroccan Federation ensures the outstanding prize monies and fees owed to arbiters are paid.

- 3.9 In case **2/2024** the EDC Chamber (R. Dongre as chair; J. Sigeman and D. Hater) considered a complaint of the failure to pay the prize money in Kenya Open Chess championship 2023. The accused parties were the Kenyan Chess Federation and its President, Benard Wanjala. The Kenyan Chess Federation was let down by their sponsor and asked for a period of grace to pay all outstanding monies. These were paid within a period of two months afforded. The EDC Chamber held that there had been a breach of articles 11.5 (b) and 11.6 (b) of the EDC Code but because the non-payment of the prize money had been remedied, issued a warning to both parties.
- 3.10 In case **3/2024** the EDC Chamber (Y. Sammy as chair; K. Arfa and D. Hater) considered a complaint of the alleged harassment of an official against IA Arild Rimestad (DEN). Rimestad was found guilty and sanctioned to a worldwide ban of 2 years from serving as an International Arbiter of which half (1 year) was suspended for a period of 3 years. This decision is subject to an appeal.
- 3.11 In case **4/2024** the EDC Chamber (D. Hater as chair; J. Sigeman and P. Dominiquez) was confronted with a complaint of alleged FIDE Arbiter titles and norms fraud. The accused parties were IA Reden Cruz, FA John Abaro, FA Ruel Jayan, FA Jasmine Navaez and GM Jayson Gonzalez, all connected to the Philippines Chess Federation. The original complaint was submitted by IA Casto Abundo and referred to the EDC by the FIDE Arbiter Commission. The EDC Chamber held that the evidence was insufficient to support a guilty verdict and accordingly all the accused parties were found not guilty.
- 3.12 In case **5/2024** the EDC Chamber (Y. Sammy as chair; J. Sigeman and D. Hater) considered a complaint by the FIDE President against IM Andrejs Strebkovs of Latvia for the alleged postal harassment of female chess players. Strebkovs was found guilty and sanctioned to a five year-ban from participating in any FIDE rated event as a player, or to be physically present at any such FIDE rated event. This decision is subject to an appeal.

3.13 All the above decisions are published on the EDC website at <https://ethics.fide.com/decisions/>.

#### **4 Pending appeals for decision by new-elected members of the EDC**

4.1 Case 10/2023(A) Xuhao He.

4.2 Case 3/2024(A) Rimestad.

4.3 Case 5/2024 (A) Stebkovs.

#### **5 Statistics of distribution of cases**

5.1 It is the responsibility of the EDC chair to nominate a First Instance Chamber of three members for each case. In the past term it was the practice to rotate the chairmanship of the First Instance Chambers between the EDC members.

5.2 In the event of an appeal against the decision of the First Instance Chamber, the EDC chair and two other members will sit as the Appeal Chamber. In terms of the Charter, the EDC chair always act as chair of the Appeal Chamber.

5.3 During the period under review (January - September 2024), the EDC registered 5 new first-instance cases, as well as three new internal appeals. Over the last 9 years (September 2015 – September 2024), a total of 71 decided cases were published on the EDC website.

5.4 The statistics relating to all first-instance, appeal and review cases received by the EDC since the introduction of the two-chamber regime with the adoption of the new FIDE Charter in the beginning of 2020, showing the participation of each EDC member, are as follows:

David Hater - 27 cases (incl. chair in 7 cases)

Johan Sigeman - 25 cases (incl. chair in 10 cases)

Yolander Sammy – 24 cases (incl. chair in 9 cases)

Ravindra Dongre – 22 cases (incl. chair in 6 cases)

Khaled Arfa – 21 cases (incl. chair in 6 cases)

Pedro Dominguez – 10 cases (no chairs)

Francois Strydom – 9 appeal cases (in all the chair).

## 6 Reform of Rules: EDC Internal Rules; EDC Code; EDC Procedural Rules

6.1 At its meeting on 7 December 2021, the EDC adopted a set of **Internal Rules** which governs the internal functioning of the commission, including the respective roles and responsibilities of the members.

6.2 The new **Ethics and Disciplinary Code** was adopted by the General Assembly on 28 December 2021 and took effect from 1 April 2022.

6.3 The new **EDC Procedural Rules** were adopted by the FIDE Council at its meeting in Chennai and took effect from 1 September 2022.

6.4 In September 2024 the EDC requested the FIDE Council to approve an **amendment** to the EDC Procedural Rules to increase the fees payable upon lodging a complaint or appeal in front of the EDC:

6.4.1 Complaint lodgment fee: EUR 75 (previously) to EUR 200 (new).

6.4.2 Appeal lodgment fee: EUR 150 (previously) to EUR 500 (new).

## 7. Dispute resolution in FIDE

7.1 During the work of the EDC (restricted to violations of the EDC Code), it became apparent that there were many complaints / disputes which fell outside the EDC's jurisdiction or were inadmissible for other reasons.

7.2 At the EDC's last meeting in Budapest, the members approved the publication on the EDC website of an article written by the EDC Chairman concerning decision-taking and dispute-resolution across all aspects of FIDE's work. Although the topic expands beyond the EDC's

responsibilities, it may be useful to members of the FIDE Family in order to approach the correct FIDE organs for a proper resolution of disputes.

- 7.3 As already conveyed to FIDE Management, the time is perhaps ripe to investigate the possible introduction of a new, separate FIDE commission – a Dispute Resolution Chamber – for hearing and deciding disputes of an international character between members of the FIDE Family related to defined subject-matter. This would require amendments to the FIDE Charter and the introduction of Procedural Rules for the work of such a new commission. There are already precedents in other international sporting codes for such a body.

## 8. **A final word (of thanks)!**

As the current EDC members' term of 6 years (2018 – 2024) comes to an end, we wish to thank the FIDE President, FIDE Council and FIDE Management Board for the understanding, trust, cooperation and support afforded us during our term.

The work of the EDC is not always popular work and there are unfortunately many individuals in the FIDE organisation that are too ready to criticize, often without a proper understanding of the issues in a particular case or even reading the EDC's decision properly. Most importantly, it remains of paramount importance that the members of the EDC always remain fiercely independent and display integrity and honesty. If decisions are given *bona fide* and with proper motivation, the decision should be respected, right or wrong. If wrong, there is always a right of appeal.

The FIDE Office performed an excellent secretarial service to members of the EDC and we wish to sincerely thank Sava Stoisavljevic, the FIDE Chief Operating Officer in the Lausanne office, Ms Eva of the FIDE Financial Department in Athens and all the staff in the Elista office.



From me, a special word of thanks is extended to Ms Polina Tsedenova for her friendly, loyal and diligent service not only over the past term, but the 10 years I have had the privilege of working with her.

Budapest, 20 September 2024

Chairman of the Ethics & Disciplinary Commission  
Francois Strydom